



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,618	11/09/2000	Evgenij Beresin	4925-72	5589

7590 11/17/2004

Michael C Stuart Esq  
Cohen Pontani Lieberman & Pavane  
551 Fifth Avenue  
Suite 1210  
New York, NY 10176

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
----------	--------------

2685

8

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,618

Applicant(s)

BERESIN ET AL.

Examiner

SIMON D NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,7-8, 10-24, 26-30, 32-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (EP 0843168 A2) in view of Towell (5,911,129).

Regarding claim 1, Matsuda discloses a voice avatar system (information processing apparatus) comprising a voice avatar module operatively arranged for receiving an input voice channel from a user terminal (13), modifying the input voice by transformation (conversion) via a first voice avatar to create a modified voice and outputting the modified voice to an output voice channel, wherein the output voice channel is selectively connectable to each of a plurality of service providing voice based user communication (column 2 lines 14-58, column 13 line 35 to column 14 line 7, fig.1, 7), a memory (50) connected to the voice avatar module having a plurality of voice avatars (column 16 line 44 to column 17 line 38) and voice avatar being selected from the plurality of voice avatars (abstract, column 44 lines 1-23). It should be noted that Matsuda discloses the information processing apparatus to be used in a terminal and in a server. However, Matsuda does not specifically disclose the terminal is a wireless terminal.

Towell, in the same kind of invention, discloses communication devices for storing a plurality of different voices to be used in a wireless connection, or cellular phones (column 4

Art Unit: 2685

lines 13, 65, column 5 lines 9-24, 52-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Matsuda, modified by Towell to wirelessly receive/transmit a desired voice signal in order to improve the voice conversation via wireless communication devices.

Regarding claims 18 and 35, these claims are rejected for the same reason as set forth in claim 1, wherein Matsuda discloses wherein the user select voice avatar (column 44 lines 1-23), wherein Towell further discloses the connection is wirelessly (column 4 line 65) via selected different systems (e.i. wire or wireless line, internet, intranet) (column 4 lines 54-67) and wherein the user select voice avatar (voice font) (column 5 lines 9-11).

Regarding claim 45, this claim is rejected for the same reason as set forth in claims 18 or 35, wherein Matsuda further discloses the voice-based communication with a multiple user entertainment services on the Internet (fig.24, column 42 line 13 to column 43 line 28).

Regarding claims 2 and 19, Matsuda further discloses a memory (50 of fig.7) for storing a plurality of voice avatars, wherein a second selected voice avatar used for modifying the input voice channel is selectable from the plural avatars (column 13 lines 42-47), wherein the sampling voice (column 3 lines 28-33).

Regarding claims 3-4, 7-8, 37, Matsuda further discloses the client terminal (13) is connectable to a further service for retrieving a further voice avatar to be used for modifying the input voice channel (column 11 lines 34-47, column 16 line 51 to column 17 line 38).

Regarding claims 10-15, 20-22, 28, 40-41, 49, Matsuda further discloses a server comprises a memory including a plurality of voice avatars and wherein a second voice avatar is

Art Unit: 2685

selectable from the plural voice avatars via the user terminal for modifying the input voice channel (column 12 lines 33-57, column 16 line 51 to column 17 line 38).

Regarding claims 16-17, 42-43, 50-53, Matsuda discloses the voice avatar connected to the plurality of services on the Internet (fig. 24). However, Matsuda does not specifically disclose Voice-over-Internet-Protocol. It should be noted that Matsuda discloses the voice avatar to be used on the Internet. Therefore, it would have been obvious the Matsuda's communication system using Voice-over-Internet-Protocol to allow users to chat on the Internet in order to reduce the long distance service charge in comparing to the long distance telephone call service.

Regarding claims 23, 29, 36, in the modified Matsuda, Towell discloses the step of sampling the input voice (column 3 lines 28-33) and wherein the voice avatars are selected from the memory (column 44 lines 1-55, column 47 line 53 to column 48 line 49).

Regarding claims 24, 30, 38, Matsuda discloses the voice avatars stored in the memory (50 of fig.7) (column 16 line 44 to column 17 line 38).

Regarding claims 26-27, 32-33, 39, Matsuda further discloses displaying a list of current participants (column 42 line 13 to column 43 line 21).

Regarding claim 34, Matsuda discloses a voice avatar for a voice chat (column 44 lines 1-23).

Regarding claims 44, 46-48, 54, Matsuda discloses the memory storing a record associating a selected voice avatar (column 43 lines 28 to column 44 line 44, column 47-48).

Art Unit: 2685

3. Claims 5-6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (EP 0843 168 A2) in view of Towell (5,911,129) as applied to claim 1 above, and further in view of Viktorsson et al. (6,397,080).

Regarding claims 5-6 and 9, Matsuda discloses the plurality of voice avatars stores in the memory of the terminal and an input device allowing user selection of the voice avatar from the plural of voice avatars (see claim 1, step 84 fig.35). However, Matsuda does not specifically disclose the voice avatar is arranged in the wireless mobile terminal.

Viktorsson discloses a wireless mobile terminal having an avatar for use in a voice mailbox message (figs. 1-2, column 3 line 43-46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Matsuda, modified by Towell, and further modified by Viktorsson to store a voice avatar in a wireless device in order to improve the wireless service performance.

4. Claims 25, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (EP 0843 168 A2) in view of Towell (5,911,129) as applied to claim 1 above, and further in view of Baumgartner et al. (6,463,412).

Regarding claims 25, 31, Matsuda discloses the system use for voice chat service (column 2 line 13). However, the modified Matsuda does not specifically disclose used in game.

Baumgartner, in the same field of invention, discloses the voice avatar used in a game (column 8 line 67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the modified Matsuda, modified by Baumgartner in order to implement a voice avatar in different types of communications.

***Response to Arguments***

5. The Matsuda reference discloses a memory for storing a plurality of avatars used for a multi-user entertainment communication system, wherein each user selects a voice avatar in a memory for chatting (columns 43-48) in response to Applicant arguments in Remarks that the Matsuda does not specifically disclose a plurality of voice avatar.

Secondly, the examiner misread the prior art of Matsuda which lead to the objection of claims 3-4, 7-8, 10-15, and 20-22. Therefore, claims 3-4, 7-8, 10-15, and 20-22 are rejected as indicated in the above rejection.

In conclusion, this Office Action is a Non-Final.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Art Unit: 2685

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Simon Nguyen

November 15, 2004

A handwritten signature in black ink that reads "Simon Nguyen". The signature is written in a cursive style with a large, stylized 'S' and 'N'.